

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JOSHUA GARTON,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 3:21-cv-00338
	§	
v.	§	JURY DEMANDED
	§	
W. RAY CROUCH, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFF’S MOTION TO STRIKE DEFENDANT CROUCH’S UNTIMELY
REPLY [Doc. #57]**

On September 23, 2021, Defendant Crouch filed an untimely Reply [Doc. #57] to the Plaintiff’s September 10, 2021 Response [Doc. #55]. Replies, of course, are due for filing “within seven (7) days after service of the response[.]” *See* Local Rule 7.01(a)(4). Nor did Defendant Crouch seek leave to file an untimely Reply. *But see* Local Rule 6.01.

Unfortunately, this is not Defendant Crouch’s first effort to needlessly complicate and interfere with the efficiency of these proceedings. *Compare* Doc. #38, p. 2 (noting that Plaintiff’s motion for leave to file an amended complaint was necessary only because “[c]ounsel for Defendant Crouch, however—Ms. Mary McCullohs—has indicated to Plaintiff’s counsel that Defendant Crouch ‘opposes the filing of your amended complaint primarily because the proposed amendments do not cure jurisdictional deficiencies.’”), *with* Doc. #44 (noting, thereafter, that “no timely opposition” was filed and granting leave). Accordingly, to encourage future compliance with this Court’s Rules, the Plaintiff respectfully moves this Court to strike Defendant Crouch’s untimely filing.

Respectfully submitted,

/s/ Daniel A. Horwitz

Daniel A. Horwitz, BPR #032176

Lindsay B. Smith, BPR # 035937

HORWITZ LAW, PLLC

4016 Westlawn Dr.

Nashville, TN 37209

daniel@horwitz.law

lindsay@horwitz.law

(615) 739-2888

Brice M. Timmons #29582

Craig A. Edgington #38205

DONATI LAW, PLLC

1545 Union Ave.

Memphis, Tennessee 38104

(901) 278-1004 – Telephone

(901) 278-3111 – Facsimile

brice@donatilaw.com

craig@donatilaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2021, a copy of the foregoing was transmitted via CM/ECF to:

Amanda S. Jordan
Meghan Murphy
Senior Assistant Attorneys General
P.O. Box 20207
Nashville, TN 37202-0207
amanda.jordan@ag.tn.gov
meghan.murphy@ag.tn.gov

Mary Elizabeth McCullohs
Senior Assistant Attorney General
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202-0207
mary.mccullohs@ag.tn.gov

Ross Vincent Smith
Kristin Ellis Berexa
Farrar & Bates, LLP
12 Cadillac Drive
Suite 480
Nashville, TN 37027
(615) 254-3060
Fax: (615) 254-9835
ross.smith@farrar-bates.com
kristin.berexa@farrar-bates.com

By: /s/ Daniel A. Horwitz